



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY, COUNSEL OR AGENT
07/205,037	06/10/88	EYEBROCK	

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EXAMINER	
NOTTERMAN	
ART UNIT	PAPER NUMBER
155	7

DATE MAILED: 12/04/88

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 18-28 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1-17 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 18-28 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 153

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 18-28 are rejected under 35 U.S.C. 103 as being unpatentable over Hen.

The patent to Hen teaches the production of a latex composition which may be employed as a binder as cellulosic paper compositions. Note column 2 (lines 9-46) which teaches the relative proportions of monomers which may be employed and which correspond to those employed by applicants.

The patent to Hen teaches the production of a latex which may comprise a monovinylidene monomer, including styrene and its derivatives, an aliphatic conjugated diene, including butadiene and $\alpha\beta$ -ethylenically unsaturated monomer including ethyl acrylate.

Since the relative proportions of monomers used by the reference overlap with those of the claims, as in

Art Unit 153

claim 17, and since the product apparently has "sufficient strength for necessary handling," the latex composition of the claims is deemed to be an obvious modification of the reference. The further manipulation of the Tg values or modulus of rupture as reflected by percentages of monomer proportions likewise are deemed to be of a mechanical nature. Employment of the latex composition in any composite, sheet or non woven, in its art recognized capacity, that is, as a binder, is deemed to be an obvious modification to a practitioner in the art, absent any showing of unexpected results. Finally, selection of suitable monomers, including styrene, butadiene, and α, β -ethylenically unsaturated monomers and their esters is manipulable to a practitioner in view of the monomers recited at column 2 (lines 9-46).

The monomers recited at column 2 (lines 9-46) and column 2 (line 62) to column 3 (line 65) embrace those recited in the instant claims. Thus, the reference is deemed to obviate in the sense of 35 USC 103 the instant claims.

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08/03/88



NATHAN M. RUTTER
PATENT EXAMINER
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